

## REMARKS/ARGUMENTS

This application has been carefully considered in connection with the Examiner's Action. Reconsideration and allowance is respectfully requested in view of the following.

Claim 24 stands objected to because of a minor formality. In response, the Applicant has deleted the term "sides" from line 3 of the claim and replaced it with the term --sites--. In view of the foregoing amendment to Claim 24, the reconsideration and withdrawal of the objection to Claim 24 is respectfully requested.

Claims 26, 27, 36 and 37 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. As to the Claims 26 and 36, the Examiner asserts that use of the phrase "the pre-reader play-reads" is unclear. Similarly, with respect to Claims 27 and 37, the Examiner asserts that the term "physically separated" is unclear. As to the meaning of the term "play-reads", the Applicant respectfully notes that the meaning may be readily derived from breaking down the word into its component words—"play" and "read" and analyzing the first word ("play") as modifying the second word ("read"). By breaking the word down in this manner, the phrase asserted as unclear would instead state that the pre-reader plays at reading. In other words, the pre-reader is engaged in activities that may resemble the act of reading but, in fact, falls short of the actual activity. The usages of the term "play-reads" in the specification are consistent with this interpretation of the term. In this regard, the Examiner's attention is directed to page 1, lines 17-18 of the specification which states that "[p]lay-reading with the reader is accomplished with the pre-reader memorizing the spoken text in association with viewing the objects in the pictures." Thus, the specification clearly indicates that play-reading is activity that resembles the act of reading but does not actually

rise to the level of actual reading. For this reason, the Applicant respectfully submits that the phrase “play-reading” is clear and that the rejection of Claims 26 and 36 as being unclear should be withdrawn.

As to the term “physically separated” set forth in Claims 27 and 37, the Applicant has canceled the claims rejected by the Examiner as unclear as a result of their use of the term “physically separated.” Accordingly, the reconsideration and withdrawal of the rejection of Claim 27 and 37 are respectfully requested.

Claims 17, 23-27 and 31-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,694,264 to Seaton in view of U.S. Patent No. 5,387,107 to Gunter et al. Claims 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Seaton in view of Gunter et al. and further in view of U.S. Patent No. 4,149,738 to Illos et al. Finally, Claims 28-30, 38 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Seaton in view of Gunter et al. and further in view of U.S. Patent No. 5,651,678 to Phillips. In response, the Applicant respectfully traverses each and every one of the aforementioned rejections of Claims 17-20 and 23-39 as unpatentable over various combinations of Seaton, Gunter et al., Illos et al. and Phillips, 23 and instead submits that Claims 17-20, 23-26, 31-36 and 38-39, as above amended, as well as newly added Claims 40-41, are patentably distinguishable over the cited art. Accordingly, the Applicant respectfully requests the reconsideration and withdrawal of the various rejections of Claims 17-20 and 23-39 and the allowance of Claims 17-20, 23-26, 31-36 and 38-41 as the cited art clearly fails to teach or suggest specific limitations recited in Claims 17 and 31, the two independent claims pending before the Examiner. Accordingly, the Applicant respectfully submits that the Examiner has failed to establish a prima facie case of obviousness of the claimed invention

and, absent the citation of additional references which teach or suggest the limitations of Claims 17 and 31 clearly absent from the cited art, the pending claims should be promptly allowed and the application passed to issuance.

Central to the each of the Examiner's rejection is U.S. Patent No. 2,694,264 to Seaton which is cited by the Examiner as teaching a process by which a reader facilitates the reading skills of a pre-reader in which "the reader sharing an experience (the parent reads the text while the child listens—see column 2, lines 9-11); and memorializing the shared story between the reader and the pre-reader through pictorial representations (as seen in figure 3). In response, the Applicant respectfully disagrees that the passages cited by the Examiner (col. 2, lines 9-11 and figure 3) neither teach nor suggest certain elements of the process for facilitating the reading skills of a pre-reader, specifically, the specific claim limitations that require that "the reader sharing an experience with the pre-reader" and "memorializing the shared experience between the reader and the pre-reader through one or more pictorial representations, the shared experience being related to the theme of the language kit and the repetitive text on the pages having repetitive text." See, for example, Claim 17, lines 16-19.

The Examiner asserts that the limitation "the reader sharing an experience with the pre-reader" reads on any shared experience between the two and may, therefore, be characterized as being taught by any activity shared between the reader and pre-reader, including, as asserted by the Examiner, the simple act of the parent reading the text while the child listens as taught by Seaton. However, such a conclusion is an oversimplification of Applicant's invention as defined by Claim 1. The "shared experience" may not be any activity that a reader and pre-reader share. Rather, as specifically recited in lines 18-19 of Claim 17, the "shared experience" must be "related to the

theme of the repetitive language kit and the repetitive text on the pages having repetitive text.”

Thus, the shared experience cannot, as asserted by the Examiner, be taught or suggested by a passage in Seaton which states that “[w]hile the parent reads from text 16, the child listens and looks at the illustrations on pages [sic] 13.” Similarly, lines 5-7 and 11-12 of Claim 17 both recited that the pages have “repetitive text related to the theme of the planed shared experience between the reader and the pre-reader.”

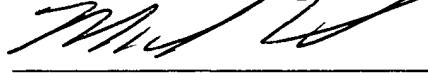
The Examiner’s logic is equally deficient when asserting that the pictorial representations which memorialize the shared story between the reader and pre-reader are taught by the illustration of a house in figure 3 of Seaton. While the pictorial representation may in fact be related to the story read to the pre-reader, the Applicant respectfully notes that the Examiner characterization of the teachings of figure 3 and its relation to Applicant’s claimed invention clearly contradicts the Examiner’s characterization of the teachings of col. 2, lines 9-11 of Seaton and its relation to Applicant’s invention. In this regard, the Applicant again notes that Claim 17 specifically recites that the pictorial representations must memorialize the shared experience between the reader and the pre-reader. See, claim 17, lines 17-18. If, as previously asserted by the Examiner, that the shared experience is taught by Seaton’s teaching of the act of the parent reading the book to the child then it must logically follow that the pictorial representations in Seaton’s book must be related to the theme of the shared experience, i.e., the theme of a parent reading a book to a child. Instead, the pictorial representations are of something entirely unrelated to the act which the Examiner asserts is the shared experience between the parent and child.

In light of the forgoing deficiencies in the teachings of Seaton relative to the specific limitations recited in Claims 17-20, 23-26, 28-36 and 38-39, the Applicant respectfully submits that

the Examiner has failed to establish a prima facie case of obviousness of the invention recited in the foregoing claims. Accordingly, the Applicant respectfully requests the reconsideration and withdrawal of the various rejections of Claims 17-20 and 23-39, the allowance of Claims 17-20, 23-26, 28-36 and 38-41 and the passing of this application to issue.

Date: June 7, 2005

Respectfully submitted,



Michael S. Bush  
Reg. No. 31,745  
ATTORNEY FOR APPLICANT  
Conley Rose, P.C.  
5700 Granite Parkway, Suite 330  
Plano, Texas 75204  
(972) 731-2288  
(972) 731-2289  
DallasPatents@conleyrose.com